



Joseph Lubertazzi, Jr.

Partner

T. 973-639-2082

F. 973-297-3940

jlubertazzi@mccarter.com

McCarter & English, LLP

Four Gateway Center

100 Mulberry Street

Newark, NJ 07102-4056

www.mccarter.com

December 9, 2021

Douglas C. Palmer,
Clerk of Court
United States District Court for the
Eastern District of New York
Theodore Roosevelt Federal Courthouse
Emanuel Cellar Federal Courthouse
225 Cadman Plaza East
Brooklyn, NY 11201

In re: Capital One N.A. v. Leser, et al, 10-cv-00393 (ARR)

Dear Mr. Palmer:

By letter dated December 3, 2021, the Court requested that we advise you of any issues that we may have by virtue of a concern expressed by Judge Ross.

Please be advised that Plaintiff Capital One, N.A. has no issue with the Court's disclosure or any action that occurred in this matter. Further, I have spoken directly to Mr. Leser, who has authorized me to represent the same position to the Court. The review of the docket sheet for this matter reflects that the involvement of the Court was minimal, especially since Plaintiff and Defendants resolved their differences in a Settlement Agreement negotiated outside the involvement of the Court. We know of no reason why the Court should have any concern.

Please contact me should you have any questions.

Very truly yours,

/s/ Joseph Lubertazzi, Jr.

Joseph Lubertazzi, Jr.

cc: Abraham and Edith Leser